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February 6, 2019

Via CM/ECF

Honorable Henry B. Pitman, U.S.M.J.
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Francis, et al v. Accubanc Mortgage Corporation, et al*
Case No. 19-cv-902-AJN-HJP
Request to Stay Time to Respond to Complaint

Dear Judge Pitman:

This firm represents Defendants, JPMorgan Chase Bank, N.A. (incorrectly named herein as “J.P. Morgan Chase Bank, N.A.”) (“Chase”); EMC Mortgage LLC [incorrectly named herein as “EMC Mortgage LLC successor by merger with EMC Mortgage Corporation (f/k/a “EMC Mortgage Corporation”); (f/k/a former subsidiary of JPMorgan Chase Bank, NA,) (f/k/a “Bear, Stearns & Co. Inc.”)] (“EMC”); and Federal National Mortgage Association (incorrectly named herein as “Fannie Mae; Fannie Mae Trustee for Securitized Trust; and Fannie Mae Guaranteed REMIC Pass-Through Certificates 1995-16 Trust #250183) (“Fannie Mae,” and, collectively with Chase and EMC, the “Removal Defendants”).

This case was commenced with the filing of a Complaint by Plaintiffs, Michael Francis (“Mr. Francis”) and Carmen J. Francis (together with Mr. Francis, the “Plaintiffs”) in the Supreme Court of New York, New York County, on December 17, 2018. (ECF No. 1). The Removal Defendants timely removed the case to this Court on January 30, 2019. (ECF No. 1). Because the Removal Defendants had not yet responded to the Complaint at the time of removal, their time to respond to the Complaint presently runs through today, February 6, 2019. *See* Fed. R. Civ. P. 81(c)(2).

On February 1, 2019, the Honorable Alison J. Nathan, U.S.D.J., issued an Order directing the Removal Defendants to “show cause why removal of this action is not precluded by the forum defendant rule” by February 15, 2019, with Plaintiffs’ opposition due on or before March 1, 2019. (ECF No. 12). In light of the pending Order to Show Cause, the Removal Defendants respectfully request that their time to respond to the Complaint be stayed and/or extended to thirty (30) days after the Court enters an Order resolving the question of subject matter jurisdiction.



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In support of this request, and pursuant to Section 1(E) of Your Honor's published Individual Rules of Practice, the Removal Defendants state as follows:

1. Original deadline: February 6, 2019
2. Number of previous extension requests: None
3. Whether previous requests were granted or denied: N/A
4. Whether adversary consents and, if not, why: On February 5, 2019, the undersigned reached out via email to Mr. Francis, one of the pro se plaintiffs, explaining the request and seeking consent. As of this filing, no response has been received from Mr. Francis.

Thank you for your consideration of this request.

Respectfully submitted,
McCalla Raymer Leibert Pierce, LLC

By: 
Richard P. Haber

cc: Michael Francis and Carmen J. Francis (via email to Michael Francis and regular mail)
Jason Turken, Esq. (via email)